

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	<b>10/766,122</b>
	Filing Date	<b>January 27, 2004</b>
	First Named Inventor	<b>Hoffmann, et al.</b>
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	<b>21558 US</b>

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>  <b>-References B1 to B6, and C1 to C12; -PTO-1449 Form; and -Copy of co-pending, co-owned USSN. 10/196,795 (Ref. 20939 US)</b>	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	<b>Kimberly J. Prior</b>
Signature	<i>Kimberly J. Prior</i>
Date	<b>5/4/04</b>

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	<b>Kimberly J. Prior</b>
Signature	<i>Kimberly J. Prior</i>
Date	<b>5/4/04</b>

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Torsten Hoffmann, Fabienne Hoffmann-Emery, Sonja Nick,  
Urs Schwitter, Pius Waldmeier

Serial No. 10/766,122, filed January 27, 2004  
(Ref. No. 21558 US)

For: **NEW CRYSTALLINE MODIFICATIONS OF 2-(3,5-BIS-TRIFLUOROMETHYL-PHENYL)-N-[6-(1,1-DIOXO-1 $\lambda$ <sup>6</sup>-THIOMORPHOLIN-4-YL)-4-(4-FLUORO-2-METHYL-PHENYL)-PYRIDIN-3-YL]-N-METHYL-ISOBUTYRAMIDE**

### INFORMATION DISCLOSURE STATEMENT

Nutley, New Jersey 07110  
May 4, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicants respectfully direct the Examiner's attention to the documents listed on enclosed Form PTO-1449.

Documents B1 to B6, and C1 to C12 listed on Form PTO-1449 are enclosed. Document A1 is not being submitted because it is a US patent. Document A2 is not being submitted as it is a US patent publication.

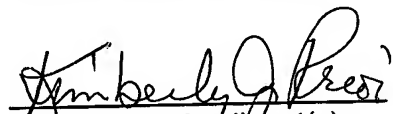
Consideration of all the documents cited on Form PTO-1449 is requested.

Serial No. 10/766,122  
Filed: January 27, 2004

The Examiner's attention is also directed to co-pending, co-owned US Serial No. 10/196,795, filed July 17, 2002 (Case Docket No. 20939 US), a copy of which is enclosed.

Since the Information Disclosure Statement is submitted before the mailing of the first Office Action on the merits or within three months of the filing date for the above application, no fee is due.

Respectfully submitted,



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Enclosures

141580

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Substitute for form 1449A/PTO				<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use several sheets if necessary)				Application Number	10/766,122		
				Filing Date	January 27, 2004		
				First Name Inventor	Hoffmann, et al.		
Sheet	1	of	1	Attorney Docket Number	21558 US		
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited document MM-DD-YYYY		
		Number	Kind Code <sup>2</sup> (if known)				
	A1	5,972,938		Rupniak et al.	10/26/1999		
	A2	US 2003/0004157		Buser et al.	01/2003		
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>3</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	B1	WO 95/16679			Merck & Co., Inc.	06/22/1995	
	B2	WO 95/18124			Merck Sharp Dohme Ltd	07/06/1995	
	B3	WO 95/23798			Merck & Co., Inc.	09/08/1995	
	B4	EP 1 035 115 A1			F.Hoffmann-La Roche AG	09/13/2000	
	B5	WO 02/085458			F.Hoffmann-La Roche AG	10/31/2002	
	B6	GB 2347422			F.Hoffmann-La Roche AG	09/06/2002	

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	C1	Navari, et al., <i>New England J. of Medicine</i> , Vol. 340, pgs. 190-195 (1999)	
	C2	Maggi et al., <i>J. Auton. Pharmacol.</i> , Vol. 13, pgs. 23-93 (1993)	
	C3	Kramer et al., <i>Science</i> , Vol. 281, pgs. 1640-1645 (1998)	
	C4	Longmore et al., <i>Can. J. Physiol. Pharmacol.</i> , Vol. 75, pgs. 612-621 (1997)	
	C5	Barker, <i>Reviews in Neurosciences</i> , Vol. 7, pgs. 187-214 (1996)	
	C6	Quartara et al., <i>Neuropeptides</i> , Vol. 32(1), pgs. 1-49 (1998)	
	C7	Doi et al., <i>Eur. J. of Pharmacology</i> , Vol. 383(3), pgs. 297-303 (1999)	
	C8	Palma et al., <i>Life Sciences</i> , Vol. 67(9), pgs. 985-1001 (2000)	
	C9	Mutra et al., <i>Nature</i> , Vol. 405, pgs. 180-183 (2000)	
	C10	Stout et al., Neurokinin 1 Receptor Antagonists as Potential Antidepressants, <i>Annu. Rev. Pharmacol. Toxicol.</i> Vol. 41, pgs. 877-906 (2001)	
	C11	Rupniak, N., Elucidating the antidepressant actions of substance P (NK <sub>1</sub> receptor) antagonists, <i>Current Opinion in Investigational Drugs</i> , Vol. 3(2), pgs. 257-261 (2002)	
	C12	Humphrey, J., Medicinal Chemistry of Selective Neurokinin-1 Antagonists, <i>Current Topics in Medicinal Chemistry</i> , Vol. 3, pgs. 1423-1435 (2003)	
Examiner Signature		Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation or abstract is attached.

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